HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO. 6496 OF 2005

PETITIONER — Mr. Saurabh Burman, S/o Shri D.D. Burman, Aged about 21 years Medical Student, CIMS, Bilaspur, Resident of C/o Shri D.P. Rai, Kumharpara, Jarahabhata, Bilaspur (Chhattisgarh)

Vs.

RESPONDENTS

1. The State of Chhattisgarh, through the Secretary, Department of Health & Family Welfare (including Medical Education), D.K.S. Bhawan Mantralaya, Raipur (Chhattisgarh)
2. The Secretary, Department of Higher Education, D.K.S. Bhawan, Mantralaya, Raipur (Chhattisgarh)
3. Guru Ghasi Das University, Bilaspur through the Chancellor/the Governor Chhattisgarh, Raj Bhawan, Raipur, (Chhattisgarh)
4. The Director Medical Education State of Chhattisgarh, Raipur (Chhattisgarh)
5. The Medical Council of India, Evan-a-Galib Marg, New Delhi.
6. The Chhattisgarh Institution of Medical Sciences (CIMS) through the Dean, CIMS, Bilaspur (Chhattisgarh)

WRIT PETITION NO. 6320 OF 2005

PETITIONER — Mohd. Shoeb Khan, S/o Shri I.H.Khan, Aged about 20 years, Medical Student, CIMS, Bilaspur, Resident of J-102, Ashoka Heights, Mova, Raipur.

Vs

RESPONDENTS

1. The State of Chhattisgarh, through the Secretary, Department of

Health & Family Welfare (including Medical Education), D.K.S. Bhawan, Mantralaya, Raipur (Chhattisgarh).

2. The Secretary, Department of Higher Education, D.K.S. Bhawan, Mantralaya, Raipur (Chhattisgarh)
3. Guru Ghasi Das University, Bilaspur through the Chancellor/the Governor Chhattisgarh, Raj Bhawan, Raipur, (Chhattisgarh)
4. The Director, Medical Education State of Chhattisgarh, Raipur (Chhattisgarh)
5. The Medical Council of India, Evan-a-Galib Marg, New Delhi.
6. The Chhattisgarh Institute of Medical Sciences (CIMS) through the Dean, CIMS, Bilaspur (Chhattisgarh)

WRIT PETITION NO. 6321 OF 2005

PETITIONER Miss Manisha Ekka, D/o Shri Libun Ekka, Aged about 21 years, Medical Student, CIMS, Resident of Near Ayyappamandir, Raipur Road Jarabhata Bilaspur (Chhattisgarh)

Vs.

RESPONDENTS

1. The State of Chhattisgarh, through the Secretary, Department of Higher Education, D.K.S. Bhawan, Mantralaya, Raipur (Chhattisgarh)
2. The Secretary, Department of Health & Family Welfare (including Medical Education), D.K.S. Bhawan, Mantralaya, Raipur (Chhattisgarh)
3. The Chancellor, Guru Ghasidas University, Bilaspur, Raj Bhawan, Raipur, (Chhattisgarh)
4. Guru Ghasi Das University, Bilaspur through the Vice Chancellor, District Bilaspur (Chhattisgarh)
5. The Director, Medical Education State of Chhattisgarh, Raipur (Chhattisgarh)
6. The Medical Counsel of India, Evan-a-Galib Marg, New Delhi.

7. The Chhattisgarh Institute of Medical Sciences (CIMS) through the Dean, CIMS, Bilaspur (Chhattisgarh)
8. The University Grants Commission, Bahadur Shah Zafar Marg, New Delhi-110002

WRIT PETITION NO. 6366 OF 2005

PETITIONER — Miss Smriti Rathore, D/o Shri S.K. Rathore, Aged about 19 years, Medical Student, CIMS, Bilaspur, Resident of Chandaniya Para Janjgir Distt-Janjgir Champa (Chhattisgarh)

Vs.

RESPONDENTS

1. The State of Chhattisgarh, through the Secretary, Department of Health & Family Welfare (including Medical Education), D.K.S. Bhawan, Mantralaya, Raipur (Chhattisgarh)
2. The Secretary, Department of Higher Education, D.K.S. Bhawan, Mantralaya, Raipur (Chhattisgarh)
3. Guru Ghasi Das University, Bilaspur through the Chancellor/the Governor Chhattisgarh, Raj Bhawan, Raipur, (Chhattisgarh)
4. The Director, Medical Education State of Chhattisgarh, Raipur (Chhatlisgarh)
5. The Medical Council of India, Evan-a-Galib Marg, New Delhi.
6. The Chhattisgarh Institute of Medical Sciences (CIMS) through the Dean, CIMS, Bilaspur (Chhattisgarh)

WRIT PETITION NO. 6448 OF 2005

PETITIONER — Mr. Nikash P. John, S/o Benny John, Aged about 24 years, Medical Student, CIMS, Bilaspur, Resident of MIG-40, R.P.Nagar, Hudco Phase II, Korba (Chhattisgarh)

Vs.

RESPONDENTS	1.	The State of Chhattisgarh, through the Secretary, Department of Health & Family Welfare (including Medical Education), D.K.S. Bhawan, Mantralaya, Raipur (Chhattisgarh)
	2.	The Secretary, Department of Higher Education, D.K.S. Bhawan, Mantralaya, Raipur (Chhattisgarh)
	3.	Guru Ghasi Das University, Bilaspur through the Chancellor/the Governor Chhattisgarh, Raj Bhawan, Raipur, (Chhattisgarh)
	4.	The Director, Medical Education State of Chhattisgarh, Raipur (Chhattisgarh)
	5.	The Medical Council of India, Evan-a-Galib Marg, New Delhi.
	6.	The Chhattisgarh Institute of Medical Sciences (CIMS) through the Dean, CIMS, Bilaspur (Chhattisgarh)

WRIT PETITION NO. 6493 OF 2005

PETITIONER		Mr Rupesh Agrawal, S/o Shri Rambhaj Agrawal, Aged about 21 years, Medical Student, CIMS, Bilaspur, Resident of Manokamna Vastralaya Main Road Bishrampur Distt Sarguja.
	Vs.	
RESPONDENTS	1.	The State of Chhattisgarh, through the Secretary, Department of Health & Family Welfare (including Medical Education), D.K.S. Bhawan, Mantralaya, Raipur (Chhattisgarh)
	2.	The Secretary, Department of Higher Education, D.K.S. Bhawan, Mantralaya, Raipur (Chhattisgarh)
	3.	Guru Ghasi Das University, Bilaspur through the Chancellor/the Governor Chhattisgarh, Raj Bhawan, Raipur, (Chhattisgarh)
	4.	The Director, Medical Education State of Chhattisgarh, Raipur (Chhattisgarh)

5. The Medical Council of India, Evan-a-Galib Marg, New Delhi.
6. The Chhattisgarh Institute of Medical Sciences (CIMS) through the Dean, CIMS, Bilaspur (Chhattisgarh)

WRIT PETITION NO. 6497 OF 2005

PETITIONER — Mr. Sudhanshu Patel, S/o Shri Jai Ram Patel, Aged about 23 years, Medical Student, CIMS, Bilaspur, Resident of House No. 2/345, Near Dr. Das Clinic, Kota Raipur (Chhattisgarh)

Vs

RESPONDENTS

1. The State of Chhattisgarh, through the Secretary, Department of Health & Family Welfare (including Medical Education), D.K.S. Bhawan, Mantralaya, Raipur (Chhattisgarh)
2. The Secretary, Department of Higher Education, D.K.S. Bhawan, Mantralaya, Raipur (Chhattisgarh)
3. Guru Ghasi Das University, Bilaspur through the Chancellor/the Governor Chhattisgarh, Raj Bhawan, Raipur, (Chhattisgarh)
4. The Director, Medical Education State of Chhattisgarh, Raipur (Chhattisgarh)
5. The Medical Council of India, Evan-a-Galib Marg, New Delhi.
6. The Chhattisgarh Institute of Medical Sciences (CIMS) through the Dean, CIMS, Bilaspur (Chhattisgarh)

WRIT PETITION NO. 165 OF 2006

PETITIONER — Vivek Goyal, aged about 21 years, son of Shri Shyam Sundar Goyal, Student of Second year, M.B.B.S. CIMS, resident of C/o Himadri Electricals, In front of Jain Mandir, Sadar Bazar, Raipur.

RESPONDENTS	1	State of Chhattisgarh, through the Secretary Department of Health & Family Welfare including Medical Education, Dau Kalyan Singh Bhawan, Raipur (C.G.)
	2.	The Secretary, Department of Higher Education, Dau Kalyan Singh Bhawan, Raipur (C.G.)
	3.	The Director, Medical Education State of Chhattisgarh, Raipur (C.G.)
	4.	Gurughasidas University, Bilaspur, through – its Registrar, Koni, Distt. Bilaspur (Chhattisgarh)
	5.	The Medical Council of India, Evan Colly Marg, New Delhi, through its Registrar/ authorized signatory, New Delhi
	6.	The Chhattisgarh Institute for Medical Science (CIMS) through its Dean, Bilaspur (C. G.)

WRIT PETITION NO. 192 OF 2006

PETITIONER		Pawan Kumar Sisodiya, aged about 21 years, son of Shri A.K. Sisodiya Medical Student, M.B.B.S. II year, r/o 56 Nauranga, Rampur, Distt. Jabalpur (Madhya Pradesh)
	Vs.	
RESPONDENTS	1.	State of Chhattisgarh, through the Secretary Department of Health & Family Welfare including Medical Education, Dau Kalyan Singh Bhawan, Raipur (C.G.)
	2.	The Secretary, Department of Higher Education, Dau Kalyan Singh Bhawan, Raipur (C.G.)
	3.	The Director, Medical Education State of Chhattisgarh, Raipur (C.G.)
	4.	Gurughasidas University, Bilaspur, through – its Registrar, Koni, Distt. Bilaspur (Chhattisgarh)
	5.	The Medical Council of India, Evan Colly Marg, New Delhi, through its Registrar/ authorized signatory, New Delhi

6. The Chhattisgarh Institute for Medical Science (CIMS) through its Dean, Bilaspur (C. G.)

WRIT PETITION NO. 421 OF 2006

PETITIONER — Nasir Ali, aged about 22 years, son of Shri Ali Bakhsh, Student of Second Year M.B.B.S. C.I.M.S., Bilaspur, resident of Civil Lines, Ward No. 20, Manendragarh, District Koriya (C.G.)

Vs.

RESPONDENTS

1. State of Chhattisgarh, through the Secretary Department of Health & Family Welfare including Medical Education, Dau Kalyan Singh Bhawan, Raipur (C.G.)
2. The Secretary, Department of Higher Education, Dau Kalyan Singh Bhawan, Raipur (C.G.)
3. The Director, Medical Education State of Chhattisgarh, Raipur (C.G.)
4. Gurughasidas University, Bilaspur, through – its Registrar, Koni, Distt. Bilaspur (Chhattisgarh)
5. The Medical Council of India, Evan Colly Marg, New Delhi, through its Registrar/ authorized signatory, New Delhi.
6. The Chhattisgarh Institute for Medical Science (CIMS) through its Dean, Bilaspur (C. G.)

WRIT PETITION NO.422 OF 2006

PETITIONER — Shahid Bakhsh, aged about 23 years, son of Shri Dr. Imam Bakhsh, Student of Second Year M.B.B.S. C.I.M.S., Bilaspur, resident of Ring Road, Radhaswami Nagar, Rawanbhata Raipur (C.G.)

Vs.

RESPONDENTS

1. State of Chhattisgarh, through the Secretary Department of Health & Family Welfare including Medical Education, Dau Kalyan Singh

Bhawan, Raipur (C.G.)

2. The Secretary, Department of Higher Education, Dau Kalyan Singh Bhawan, Raipur (C.G.)
3. The Director, Medical Education State of Chhattisgarh, Raipur (C.G.)
4. Gurughasidas University, Bilaspur, through – its Registrar, Koni, Distt. Bilaspur (Chhattisgarh)
5. The Medical Council of India, Evan Colly Marg, New Delhi, through its Registrar/ authorized signatory, New Delhi.
6. The Chhattisgarh Institute for Medical Science (CIMS) through its Dean, Bilaspur (C. G.)

WRIT PETITION NO.220 OF 2006

PETITIONERS

1. Pragya Chandrakar, D/o Shri Ram Kumar Chandrakar, Aged about 20 years.
2. Madhulika Chandrakar, D/o. Shri T.R. Chandrakar, Aged about 20 years
3. Sneha Singh Dhruw, D/o Shri V.S. Dhruw, Aged about 20 years
4. Ruchika Tamrakar, D/o Shri S.K. Tamrakar, Aged about 20 years.
5. Shefali Wadhwani, D/o Shri D.R. Wadhwani, Aged about 20 years
6. Ujjawala Karade, D/o Shri R.G. Karade Aged about 20 years.

All are students of II year, M.B.B.S. Course, Chhattisgarh Institute of Medical Science, Bilaspur, District – Bilaspur (C.G.)

Vs.

RESPONDENTS

1. State of Chhattisgarh, Through Secretary, Department of Health, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. Chhattisgarh Institute of Medical Science, through Dean, Chhattisgarh Institute of Medical

Science, Bilaspur, District – Bilaspur (C.G.)

3 Guru Ghasidas University, Through Registrar, Guru Ghasidas University, Koni, Bilaspur, District – Bilaspur (C.G.)

WRIT PETITION NO.344 OF 2006

PETITIONERS

1. Neha Thawait
D/o Dr. S.N. Thawait
Aged about 23 years.
2. Akanchha Sahu
D/o Shri B.L. Sahu
Aged about 22 years

All students of II year, MBBS Course, Chhattisgarh Institute of Medical Science, Bilaspur, District Bilaspur (C.G.)

Vs.

RESPONDENTS

1. State of Chhattisgarh, Through Secretary, Department of Health, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. Chhattisgarh Institute of Medical Science, through Dean, Chhattisgarh Institute of Medical Science, Bilaspur, District – Bilaspur (C.G.)
3. Guru Ghasidas University, Through Registrar, Guru Ghasidas University, Koni, Bilaspur, District – Bilaspur (C.G.)

WRIT PETITION NO.347 OF 2006

PETITIONERS

1. Gourav Kumar Thawait
S/o Dr. R.K. Thawait
Aged about 20 years
2. Aditi Gupta
D/o Dr. Vinay Gupta
Aged about 21 years
3. Chandan Sahu
S/o Shri S.R. Sahu
Aged about 20 years
4. Upasna Dewangan
D/o Sri G.K. Dewangan
Aged about 21 years
5. Ritu Rochwani
D/o Shri Ramesh Lal Rochwani

Aged about 21 years

6 Amit Ashish Tirkey
S/o Dr. A.K. Tirkey
Aged about 21 years
All are students of II year MBBS Course, Chhattisgarh Institute of Medical Science, Bilaspur, District Bilaspur (C.G.)

Vs.

RESPONDENTS

1 State of Chhattisgarh, Through Secretary, Department of Health, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)

2. Chhattisgarh Institute of Medical Science, through Dean, Chhattisgarh Institute of Medical Science, Bilaspur, District – Bilaspur (C.G.)

3. Guru Ghasidas University, Through Registrar, Guru Ghasidas University, Koni, Bilaspur, District – Bilaspur (C.G.)

WRIT PETITION NO.400 OF 2006

PETITIONERS

1. Deepti Singh
D/O Shri H.L. Singh
Aged about 20 years

2. Rajani Patel
D/o Shri Shri P.N.Patel
Aged about 20 years

3. Jitendra Kumar Tamrakar
S/o Shri Bhagwat Prasad Tamrakar, Aged about 21 years

All are students of II year, MBBS Course, Chhattisgarh Institute of Medical Science, Bilaspur, District Bilaspur (C.G.)

Vs.

RESPONDENTS

1. State of Chhattisgarh, Through Secretary, Department of Health, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)

2. Chhattisgarh Institute of Medical Science, through Dean, Chhattisgarh Institute of Medical Science, Bilaspur, District – Bilaspur (C.G.)

3. Guru Ghasidas University, Through Registrar, Guru Ghasidas University, Koni, Bilaspur, District – Bilaspur (C.G.)

WRIT PETITION NO.414 OF 2006

PETITIONERS

1. Jwala Prasad Kaushik S/o Shri S.P. Kaushik, Aged about 22 years
2. Abhilesh Keshwarni, S/o Shri Narendra Keshwarni, Aged about 21 years.
3. Lavlesh Gupta, S/o Shri Ram Prasad Gupta, Aged about 20 years.

All are students of II year, MBBS Course, Chhattisgarh Institute of Medical Science, Bilaspur, District Bilaspur (C.G.)

Vs.

RESPONDENTS

1. State of Chhattisgarh, Through Secretary, Department of Health, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. Chhattisgarh Institute of Medical Science, through Dean, Chhattisgarh Institute of Medical Science, Bilaspur, District – Bilaspur (C.G.)
3. Guru Ghasidas University, Through Registrar, Guru Ghasidas University, Koni, Bilaspur, District – Bilaspur (C.G.)

WRIT PETITION NO.12 OF 2006

PETITIONERS

1. Alpi Goyal, D/o Shri Janaklal Goyal, Aged about 22 years
2. Prachi Jaiswal, D/o Shri M.K. Jaiswal, Aged about 23 years
3. Reeta, D/o Shri C.N. Mahte, Aged about 23 years
4. Gitika Shankar Mishra, D/o Shri G.S. Mishra, Aged about 23 years
5. Nandita Mandhani, D/o Shri Manohar Mandhani, Aged about 19 years
6. Vandana Jaiswal, D/o Shri T.C. Jaiswal, Aged about 20 years

7. Rishu Kejriwal, D/o Shri Vijay Kumar Kejriwal, Aged about 20 years.
All are students of Second Year (Second Semester), MBBS, Chhattisgarh Medical Institute of Science, Bilaspur (CG)

Vs.

RESPONDENTS

1. State of Chhattisgarh, Through its Secretary, Department of Health, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. Chhattisgarh Institute of Medical Science, through Dean, Bilaspur (C.G.)
3. Guru Ghasidas University, Through Registrar, Koni, Bilaspur (C.G.)
4. Medical Council of India, Evan-a-Galib Marg, New Delhi (CG)

WRIT PETITION NO.157 OF 2006

PETITIONER

Rupali Bhure, D/o Shri Krishna Rao Bhure, Aged about 23 years, Student of Second Year (Second Semester), MBBS Course, Chhattisgarh Institute of Medical Science, Bilaspur, R/o 1 Municipal Quarter, Near BDM Hospital, Champa, Distt Janjgir-Champa (C.G)

Vs.

RESPONDENTS

1. State of Chhattisgarh, Through its Secretary, Department of Health, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. Chhattisgarh Institute of Medical Science, through Dean, Bilaspur (C.G.)
3. Guru Ghasidas University, Through Registrar, Koni, Bilaspur (C.G.)
4. Medical Council of India, Evan-a-Galib Marg, New Delhi (CG)

Present : Shri U.N. Awasthy, learned Sr. Advocate with Smt. Raksha Awasthy; Shri K.R. Nair, Shri Vinod Lalchandani and Shri V.R. Tiwari, learned counsel for the petitioners.

Shri Prashant Mishra, learned Addl. Advocate General with Shri Yashwant Singh, learned Govt. Advocate for the State of Chhattisgarh.

Shri Amrito Das, learned counsel for the Guru Ghasidas University and CIMS.

Ms. Samta Jain, learned counsel for MCI.

(ORAL ORDER)
(Passed on 16th February, 2006)

Since the points involved in all these writ petitions are substantially similar, all of them were clubbed, heard together and they are being disposed of by this common order.

(2) The points that arise for decision-making in this batch of writ petitions, it is stated at the Bar, are seized by the Apex Court in Writ Petition No.6314 of 2005 and connected writ petitions filed under Article 32 of the Constitution. In that view of the matter, I dispose of all these writ petitions, leaving open all the contentions raised by the parties in these writ petitions in their respective pleadings. No costs.

(3) Having considered the request of the learned counsel for the petitioners for extension of stay as well as the opposition raised by the University, I think it just and reasonable to continue the stay for a further period of one month from today. Accordingly, I direct that interim order, wherever it is already granted in this batch of writ petitions, shall be in operation for a further period of one month only from today.

Sd/-
Hon'ble the Chief Justice

Subby
Bini